



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In Re: Application of Gutierrez-Rocca et al.

Ser. No.: 09/055,818

Group Art Unit: 1615

Fil. Dt.: 4/6/98

For: ORAL PHARMACEUTICAL COMPOSITIONS CONTAINING  
TAXANES AND METHODS OF TREATMENT EMPLOYING THE SAME

**Attorney Docket No.: I-132D**

New York, New York  
May 27, 1998

APPLICATION BRANCH  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**LATE FILING OF DECLARATION AND FILING FEE**

Sir:

Attached hereto for filing in the above-captioned application is the executed declaration of the inventors together with a check in the amount of **\$3,516.00**. Attached in addition is a copy of the Notice to File Missing Parts of Application mailed May 5, 1998.

The enclosed check includes payment for both the \$130.00 surcharge for late filing of the declaration as well as application filing fee of \$3,386.00. The filing fee submitted herewith was calculated as follows:

Basic filing fee	\$790.00
Fee for one independent claim over 3	82.00
Fee for 102 total claims over 20	2,244.00
Surcharge for multiple dependent claim	<u>270.00</u>
Total filing fee	\$3,386.00 <sup>1</sup>

---

<sup>1</sup> The fee as calculated is slightly higher than the amount set forth on the Notice to File Missing Parts. The notice neglected the additional independent claim in excess of 3 and also indicated that there were 101 claims in excess of 20, whereas there are actually 102 such claims in the application.

If any additional fees are required, please charge them to our deposit account  
No. 11-1145.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER,  
ISRAEL & SCHIFFMILLER, P.C.  
Attorneys for Applicants  
489 Fifth Avenue  
New York, N.Y. 10017-6105  
Tel.: (212) 697-3750  
Fax.: (212) 949-1690

By Martin W. Schiffmiller  
Martin W. Schiffmiller  
Reg. No. 30,421

I hereby certify that this correspondence is  
being deposited with the United States Postal  
Service as First Class Mail in an envelope  
addressed to: Assistant Commissioner for  
Patents, Washington, D.C. 20231.

5/27/98 BY Martin W. Schiffmiller  
(date) Martin W. Schiffmiller  
Reg. No. 30,421



UNITED STATES DEPARTMENT OF COMMERCE  
 Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

APPLICATION NUMBER	ADEN FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	--------------------------	-----------------------	---------------------------

09/055,618 04/06/98 GUTIERREZ-ROCCA I-1320

0242/0505

KIRCHSTEIN OTTINGER  
 ISRAEL & SCHIFFMILLER  
 551 5TH AVE  
 NEW YORK NY 10176-0024

**BEST AVAILABLE COPY** NOT ASSIGNED

DATE MAILED: 1615

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

05/05/98

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ \_\_\_\_\_.

- ☒ 1. The statutory basic filing fee is:
- ☐ missing.
  - ☐ insufficient.
- Applicant must submit \$ 790 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.
- \$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.
- \$ 2222 for 101 dependent claims over 20.
- \$ 270 for multiple-dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:
- ☒ is missing or unexecuted.
  - ☐ does not cover the newly submitted items.
  - ☐ does not identify the application to which it applies.
  - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
- See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

06/05/1998 MWILLAR 0000067 09055618  
 790.00  
 2244.00  
 270.00  
 82.00  
 130.00